HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1827 OF 2006.

Shaikh Shabbir Mustaque Ahmed And
Mohd. Husain Mohd. Yunus Saikh. ..Petitioners.

Versus.

State of Maharashtra (CBI). ..Respondent.

Shri. Maheen Pradhan - appointed Advocate for the petitioner - accused who is in jail.

Shri. Raja Thakare, S.P.P. for the C.B.I.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: NOVEMBER 21, 2006.

P.C.

1. Heard. This is a petition by the accused involved in the Maharashtra Control of Organised Crime Act, 1999 (MCOCA), stating that their remand on the specified date was not granted by the Special Judge appointed under the MCOCA Act and it was granted by some other Judge, therefore, their detention is illegal and writ of habeas corpus be issued. The point is no more res-integra. In the matter of Abdul Rashid Sikandar Sab Kulkarni, (Criminal Writ Petition No. 1306 of 2006) this Court has already held that there is no infirmity in such a remand if subsequently the accused has been produced

before the Special Judge and Special Court Judge has passed the remand orders. In the present matter, learned counsel - Shri. Raja Thakare appearing on behalf of the C.B.I.- respondent makes a statement that the further remands have been granted by the Special Court - Judge. Therefore, the petition is without any merit. It is hereby rejected.

2. In this matter, Shri. Maheen Pradhan is the appointed Advocate for the petitioners - accused who are in jail, therefore, the cost of the said appointed Advocate is quantified at Rs.500/- (Rs. Five hundred only)

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

:srp/sathe/2006/